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Attorneys for Plaintiff Epic Games, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

EPIC GAMES, INC.,

Plaintiff,

v.

GOOGLE LLC et al.,

Defendants.

Case No. 3:20-CV-05671-JD

**DECLARATION OF M. BRENT
BYARS IN SUPPORT OF EPIC
GAMES, INC.'S
ADMINISTRATIVE MOTION TO
SEAL PORTIONS OF ITS FIRST
AMENDED COMPLAINT**

I, M. Brent Byars, declare as follows:

1. I am a Senior Attorney at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc. (“Epic”) in the above-captioned actions. I am admitted to appear before this Court *pro hac vice*.

2. I submit this declaration pursuant to Civil Local Rule 79-5. The contents of this declaration are based on my personal knowledge.

3. On July 20, 2021, counsel for Defendants Google LLC, Google Ireland Limited, Google Commerce Limited, Google Asia Pacific Pte. Limited, and Google Payment Corp. (collectively, “Google”) requested that Epic file a motion to seal any portions of its First Amended Complaint for Injunctive Relief (“Epic’s First Amended Complaint”) that are sourced from documents that Google has designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “CONFIDENTIAL” pursuant to the Protective Order entered by the Court, ECF No. 143. Epic is serving its Administrative Motion to Seal Portions of its First Amended Complaint and this Declaration on Google pursuant to Civil Local Rule 79-5(e). The following Table shows the portions of Epic’s First Amended Complaint that contain information designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “CONFIDENTIAL” by Google.

Portion Containing Designated Information	Designating Party
¶ 6	Google
¶ 18	Google
¶ 22	Google
¶ 33	Google
¶ 62	Google
¶ 76	Google
¶ 87	Google

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1	¶ 88	Google
2	¶ 94	Google
3	¶ 96	Google
4	¶ 97	Google
5	¶ 98	Google
6	¶ 99	Google
7	¶ 100	Google
8	¶ 101	Google
9	¶ 102	Google
10	¶ 103	Google
11	¶ 104	Google
12	¶ 105	Google
13	¶ 106	Google
14	¶ 107	Google
15	¶ 108	Google
16	¶ 109	Google
17	¶ 110	Google
18	¶ 111	Google
19	¶ 112	Google
20	¶ 113	Google
21	¶ 114	Google
22	¶ 115	Google
23	¶ 117	Google
24	¶ 118	Google
25	¶ 119	Google
26	¶ 120	Google
27	¶ 121	Google

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¶ 128	Google
¶ 131	Google
¶ 137	Google
¶ 175	Google
¶ 182	Google
¶ 227	Google

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration on July 21, 2021 in Town of Brookhaven, New York.

/s/ M. Brent Byars
M. Brent Byars